

JRW

October 24, 2005



U.S. Department of Commerce
Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Notice of Abandonment for U.S Patent Application 10/675,124

Dear Commissioner:

On October 19, 2005, I had received a letter of "Notice of Abandonment" by examiner Jianchun Qin for my patent application 10/675,124. The reason that was given was my failure to file a timely reply to the patent office and that my provided contact number was not a working number. The revisions to my patent application were required due to comments provided by patent examiner Hsieh Shih Yung on March 4, 2005. This was the first time I received any written correspondence regarding revisions that needed to be corrected to my patent application.

On October 24, 2005, around 1 o'clock Central time, I called examiner Mr. Jianchun Qin to discuss the reason why I received a letter for the abandonment. I had explained to Mr. Qin that I had sent my patent revisions by registered mail on April 8, 2005 and that the documents were received by the US patent office on April 12, 2005. Enclosed you will find the original documentation to support my claim. I also explained the reason why my contact number was not a working number was that I had changed jobs and thus my contact number was no longer valid. I gave Mr. Qin my home phone number of 832-237-7074 and indicated to him that this will be the number to call if he needed to contact me.

After I explained my situation, Mr. Qin indicated that I did not write a brief written summary of the changes that I had done to my original document and provide a signature to indicate that I performed the corrections myself and thus that is why the Patent office sent the letter of abandonment for said reason. My revised patent application was actually received by the Patent Application Department and was inputted into the patent website but since I did not include a brief written summary, it was mistakenly deemed as if I failed to reply at all. Mr. Qin indicated that if I write a brief summary in a letter, this should negate the "Notice of Abandonment" letter and put me back into "good standing" with the U.S. patent office. Thus, I am writing you this letter to indicate the changes that I had done and SENT per examiner Mr. Shih Yung's original request:

1. Original patent application did not contain an abstract as required by 37 CFR 1.72(b). I have now written a (1) page abstract and it was included in the revisions package that I had sent on April 8, 2005.
2. Original patent application needed to be double spaced on good quality paper. I have now double spaced the entire document and printed it out on good quality paper. The revised document reflecting this change was sent on April 8, 2005---(14) pages.
3. Original patent application had underlined numerals that should have been deleted. The revised application sent on April 8, 2005 reflects the omission of all underlined numerals.

4. The claims needed to be double spaced and were difficult to read. The revised application's claims sent on April 8, 2005 were now double spaced.
5. General claim violations such as not being one sentence only, using quotation marks, the preamble of all dependent claims were inconsistent with the preamble of the independent claim, and not using definitive verbs were present in the original patent application. The revised application's claims sent on April 8, 2005 reflected these corrections to all said issues.

I apologize for the honest mistake of not including a written summary. I guess I had figured that my stamped postcard (see enclosed original documentation) was a summary that would have sufficed. I hope this letter will resolve all issues regarding the letter of abandonment. If not, please feel free to write or call. I would be happy to comply with any additional requests your department may deem to be necessary. I look forward to resolving this in a timely and fashionable manner.

Thank you,

Sincerely,



Jason Ellestad

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,124	10/01/2003	Jason Richard Ellestad		4960
7590	10/19/2005		EXAMINER	
Mr. Jason R. Ellestad 9243 Chester Park Drive Houston, TX 77064			QIN, JIANCHUN	
			ART UNIT	PAPER NUMBER
			2837	

DATE MAILED: 10/19/2005

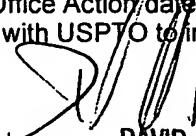
Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. Applicant's failure to timely file a proper reply to the Office letter mailed on 04 March 2005.
 - (a) A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) A reply was received on _____ but it does not constitute a proper reply, or a bona-fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) No reply has been received.
2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) The issue fee and publication fee, if applicable, has not been received.
3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) No corrected drawings have been received.
4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. The reason(s) below:

Examiner called Applicant's telephon number as listed in PALM (713)934-8686 on 10/12/2005. However a recording voice said "the number you dialled 934-8686 is not a working number". Also, Office Action dated 03/04/2005 has been returned to USPTO on 04/12/2005. No change of address has been filed with USPTO to indicate a new address.



DAVID MARTIN
SUPERVISORY PATENT EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.18(e) should be promptly filed to minimize any negative effects on patent term.